

REMARKS

Claims 1, 3-18, and 20-34 were pending in the current application. Applicants have amended claims 1, 6, 18, 29 and 30 and added new claim 35. Claims 6, 29, and 30 have been modified to correct minor typographical errors and not for reasons related to patentability. Reexamination and reconsideration of all pending claims are respectfully requested.

Claim Objections

Claims 29 and 30 were objected to based on a minor typographical error in claim 29 coupled with the dependence of claim 30 on claim 29. Applicants appreciate the Examiner identifying this clerical error, and Applicants have corrected the identified error as well as two other minor errors and submit that all claims, as amended, are in acceptable form.

35 U.S.C. §112

The Office Action rejected claims 1, 3-18 and 20-34 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants do not necessarily agree with all of the statements in the Office Action regarding what the application and specifically FIG. 4 show or do not show. For example, Applicants note the “W₀” notation in FIG. 4 and the associated explanation of W₀, as well as description of the operation of the pilot channel in the Specification, both of which are discussed on the Office Action at, for example, pp. 3 and 5.

In an effort to move the present case toward allowance, Applicants have amended claims 1 and 18 to recite “modulating power control data with a first code to produce a first stream of modulated symbols” (claim 1, with similar amendment in claim 18). Applicants note PC (power control) input to block 150a and modulation with W₁ in FIG. 4 of the application. Applicants believe this addresses all of the concerns presented in the Office Action with respect to written description issues, and that all claims are consistent with and appropriately supported by the Specification. Applicants therefore submit that by these

PATENT

amendments, claims 1 and 18 are fully supported by the written description in the specification, and that by this amendment all claims clearly satisfy 35 U.S.C. §112.

With respect to newly added claim 35, this claim includes phrasing similar to amended claims 1 and 18 and for the foregoing reasons is allowable.

Accordingly, it is respectfully submitted that all pending claims, as amended, fully comply with 35 U.S.C. §§ 112.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all claims of the present application are in condition for allowance. Reexamination and reconsideration of all of the claims are respectfully requested and allowance of all the claims at an early date is solicited.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants hereby request a one month extension of time to file this Amendment in response to the final Office Action. Please charge the requisite fee to Deposit Account No. 17-0026.

Should any additional fees be due, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 17-0026.

Respectfully submitted,

Date: August 20, 2008

/Kenneth K. Vu/
Kenneth K. Vu, Reg. No. 46,323
(858) 658-5106

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5106
Facsimile: (858) 658-2502